

ESTTA Tracking number: **ESTTA258434**

Filing date: **01/02/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Greater Louisville Convention & Visitors Bureau
Granted to Date of previous extension	01/14/2009
Address	401 W. Main St., Suite 2300 Louisville, KY 40202 UNITED STATES
Correspondence information	John A. Galbreath Attorney for Opposer Galbreath Law Offices, P.C. 2516 Chestnut Woods Ct. Reisterstown, MD 21136 UNITED STATES jgalbreath@galbreath-law.com Phone:410-628-7770

Applicant Information

Application No	76667591	Publication date	09/16/2008
Opposition Filing Date	01/02/2009	Opposition Period Ends	01/14/2009
Applicant	INCLAN ENTERPRISES, INC. 2123 Waterson Trail Louisville, KY 40299 UNITED STATES		

Goods/Services Affected by Opposition


Class 016.


All goods and services in the class are opposed, namely: PAPER GOODS AND PRINTED MATTER, NAMELY, POSTERS, MOUNTED OR UNMOUNTED PHOTOGRAPHS, COASTERS MADE OF PAPER, NEWSLETTERS AND MAGAZINES ABOUT SOCIAL MATTERS AND CIVIC ACTIVITIES, MENUS, NAPKINS, FOOD WRAP FOR SANDWICHES, PAPER TOWELS, BROCHURES PERTAINING TO SOCIAL EVENTS AND FESTIVALS OR EXHIBITS AND EXHIBITIONS AND ARTS AND CRAFTS FAIRS, STUDY GUIDES REGARDING RECIPES WITH BOURBON AND COOKING WITH BOURBON, LESSON PLANNERS, BUMPER STICKERS, CALENDARS, AND PICTURES, DRAWINGS, SKETCHES, LIMITED EDITION PRINTS, WRITING TABLETS, NOTE CARDS, POST CARDS, CROSSWORD PUZZLES, FOLDERS, BINDERS, CLIPBOARDS, BOOKMARKS, DECALS, PAPER SIGNS, STATIONERY, BUSINESS CARDS, PRINTS, LITHOGRAPHS, PAINTING BOARDS, PENCILS, PENS, DRAWING AND DRAFTING TEMPLATES, MAGAZINES PROMOTING COMMUNITY AND BUSINESS INTERESTS, NOTEBOOKS, GREETING CARDS, PLASTIC WRAP, PAPER COASTERS, PAPER POSTER ART, AND STICKERS

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3474128	Application Date	09/07/2006
Registration Date	07/22/2008	Foreign Priority Date	NONE
Word Mark	BOURBON COUNTRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/10/01 First Use In Commerce: 2006/10/01 Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky		

U.S. Registration No.	3477274	Application Date	12/06/2006
Registration Date	07/29/2008	Foreign Priority Date	NONE
Word Mark	BOURBON COUNTRY		
Design Mark			
Description of Mark	The mark consists of The word "BOURBON" within a solid block, positioned over the word "COUNTRY".		
Goods/Services	Class 035. First use: First Use: 2006/10/01 First Use In Commerce: 2006/10/01 Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky		

Attachments	78969008#TMSN.jpeg (1 page)(bytes) 77057888#TMSN.jpeg (1 page)(bytes) 76667591-Notice of Opposition.pdf (3 pages)(120499 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John A. Galbreath/
Name	John A. Galbreath
Date	01/02/2009

**Greater Louisville Convention
and Visitor's Bureau**

Plaintiff/Opposer

v.

Inclan Enterprises Inc.

Defendant/Applicant

) **IN THE UNITED STATES**
) **PATENT AND TRADEMARK OFFICE**
)
)
) **TRADEMARK TRIAL AND APPEAL BOARD**
)
)
) **OPPOSITION NO. _____**
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NOTICE OF OPPOSITION

Greater Louisville Convention and Visitor's Bureau ("Louisville"), by and through its below-identified attorneys, hereby opposes Inclan Enterprises Inc.'s ("Inclan") trademark application serial number 76/667,591, and states as follows:

1. On October 16, 2006 Applicant filed an application in the United States Trademark Office ("Office") to register the BOURBON COUNTRY mark for use on paper goods and printed matter, namely, posters, mounted or unmounted photographs, coasters made of paper, newsletters and magazines about social matters and civic activities, menus, napkins, food wrap for sandwiches, paper towels, brochures pertaining to social events and festivals or exhibits and exhibitions and arts and crafts fairs, study guides regarding recipes with bourbon and cooking with bourbon, lesson planners, bumper stickers, calendars, and pictures, drawings, sketches, limited edition prints, writing tablets, note cards, post cards, crossword puzzles, folders, binders, clipboards, bookmarks, decals, paper signs, stationery, business cards, prints, lithographs, painting boards, pencils, pens, drawing and drafting templates, magazines promoting community and business interests, notebooks, greeting cards, plastic wrap, paper coasters, paper poster art, and stickers.

2. Opposer owns United States Registration Nos. 3,474,128 (word mark) and 3,477,274 (design mark), for BOURBON COUNTRY.

3. Opposer uses its mark in connection with the services identified in the above-referenced registrations: Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky.

4. Opposer's priority in its mark predates any priority which may be claimed by Applicant.

5. Applicant's applied-for mark is confusingly similar to Opposer's registered marks and is likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

6. Applicant's goods are closely related to the services in Opposer's registered marks, and Opposer's services may involve providing goods shown in the Opposed Application.

7. Opposer will be damaged by Applicant's registration of the mark shown in the Opposed Application because registration would give Applicant *prima facie* evidence of its ownership of an exclusive right to use a mark that is confusingly similar to Opposer's registered marks, which rights would interfere with Opposer's continued use of its marks.

WHEREFORE, Opposer requests that the Office deny Applicant's application for registration of the mark shown in Application No. 76/667,591, and grant such other and further relief and damages to Opposer that the Office deems proper.

Respectfully submitted,

/John A. Galbreath/

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Attorneys for Opposer

Certificate of Service: I certify that on the date below, the foregoing Notice of Opposition and referenced attachments, if any, were sent by first-class mail to:

DAVID W. CARRITHERS
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1 PARAGON CTR., 6060 DUTCHMAN'S LANE
SUITE 140
LOUISVILLE, KY 40205

2 January 2009

/John A. Galbreath/
John A. Galbreath